

House File 167 - Introduced

HOUSE FILE 167

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 49)

A BILL FOR

1 An Act establishing a child endangerment offense for the mother
2 of a newborn child who caused an illegal drug to be present
3 in the newborn child's body, and providing a penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 726.6, subsection 1, Code 2013, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *i.* By act or omission a newborn child's
4 mother caused an illegal drug to be present in the newborn
5 child's body and the drug's presence is a direct and
6 foreseeable consequence of the act or omission. Unless the
7 presence of the illegal drug caused death or serious injury
8 to the newborn child, the drug's presence shall be considered
9 to have caused bodily injury to the newborn child. For the
10 purposes of this paragraph, "*newborn child*" means an infant who
11 is three days of age or younger.

12 Sec. 2. Section 726.6, subsection 6, Code 2013, is amended
13 to read as follows:

14 6. A person who commits child endangerment resulting in
15 bodily injury to a child or minor or child endangerment in
16 violation of subsection 1, paragraph "*g*" or "*i*", that does not
17 result in a serious injury, is guilty of a class "D" felony.

18 EXPLANATION

19 This bill provides a new child endangerment offense under
20 Code section 726.6. The new offense applies to an act or
21 omission by the child's mother that caused an illegal drug
22 to be present in the body of a newborn child as a direct and
23 foreseeable consequence of the act or omission. The term
24 "newborn child" is defined to mean an infant who is three days
25 of age or younger. Unless the presence of the illegal drug
26 caused death or serious injury to the newborn child, the drug's
27 presence is considered to have caused bodily injury to the
28 child. A child endangerment offense that causes bodily injury
29 to a child is punishable as a class "D" felony.